

REMARKS/ARGUMENTS

By this amendment, Claims 1, 5, 8-11, 39, 43, and 46-49 have been amended. Hence, Claims 1-11 and 39-49 are pending in the application. No new matter has been added to the application.

As shown below, the pending claims are now in condition for allowance. Consequently, entry of the amendments and allowance of the pending claims is respectfully requested.

Each issue raised in the Office Action mailed November 24, 2008 ("Office Action") is addressed hereinafter.

EXAMINER INTERVIEW

The Applicant thanks the Examiner for the Interview conducted on January 22, 2009. The interview was between Examiner Douglas Godbold and the applicant's attorney, Adam C. Stone. Pending Claim 1 that was rejected in the Office Action was discussed along with Pro Tools Reference Guide Version 5.3 for HD Systems on Macintosh or Windows/Version 5.1.1 for MIX or LE Systems on Macintosh or Windows (hereinafter "*Pro Tools*"). In particular, the discussion focused on the following: the 102 rejection of Claims 1 and the Applicant's proposed amendment to 1. No agreement was reached. However, the Examiner indicated that he understood Applicant's contention with regard to the patentable differences between the claims as amended herein and *Pro Tools*. The Applicant is providing herein the amendment that was proposed during the interview.

SUMMARY OF THE REJECTIONS

Claims 1-10 and 39-48 were rejected under 35 U.S.C. § 102(a) as allegedly anticipated by *Pro Tools*.

Claims 11, 30, and 49 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Pro Tools* in view of Sound Forge 6.0 Users Manual.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1-10 and 39-48 were rejected under § 102(a) as allegedly anticipated by *Pro Tools*. Applicants respectfully submit that Claims 1-10 and 39-48 are patentable over *Pro Tools* for the reasons provided hereinafter.

CLAIM 1

Claim 1 recites:

A method for manipulating at least one audio file via a graphical user interface, the method comprising the steps of:

- displaying a timeline component having a set of time points indicative of a duration of an audio file;
- displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration;
- obtaining first input to said timeline component where said first input identifies a first time point and a second time point of said set of time points, and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the second time point, wherein said first input includes selection of the first time point and dragging from the first time point to the second time point;
- in response to obtaining said first input, generating an initial selection overlay comprising an area of said timeline component and said waveform component, wherein said area starts at said first time point and ends at said second time point;
- obtaining second input, wherein the second input involves dragging said area to a region within the graphical user interface;

in response to obtaining said second input, performing an operation involving just the portion of the audio file that corresponds to the area, wherein the operation is performed without obtaining input to a tool selection component between obtaining said first input and obtaining said second input;

wherein the method for manipulating at least one audio file is performed by a computing device programmed to be a special purpose machine pursuant to instructions from program software.

How the Initial Selection Overlay of Claim 1 Is Generated

As expressly recited in Claim 1, the initial selection overlay is generated in response to obtaining input that selects a first time point within a timeline component and drags to a second time point within the timeline component. The area of the generated selection overlay starts at the first time point and ends at the second time point. For example, the initial selection overlay of Claim 1 may be generated in response to a user using a mouse by clicking at a point in the timeline component, dragging to a second point in the timeline component, and releasing the mouse button. As explained below, an initial selection overlay cannot be generated with *Pro Tools* in this manner.

Claim 1's Modeless Operation Involving the Area of the Generated Selection Overlay

Claim 1 also features obtaining input that involves dragging the area of the generated selection overlay to a region within the graphical user interface and in response to obtaining this input, performing an operation involving just the portion of the audio file that corresponds to the area. Notably, the operation is performed without obtaining input to a tool selection component between obtaining the input for generating the selection overlay and the input dragging the area. For example, without having to select a tool from a tool selection component, a user could

quickly and efficiently move the area of the generated selection overlay to a region within the graphical user interface by clicking on the area and dragging the area to a new location. The modeless approach of Claim 1 is not taught or in any way suggested by *Pro Tools*.

Key Distinction Between Claim 1 and *Pro Tools*

An approach for dragging a selection is disclosed in *Pro Tools* at page 215. In the approach, the user uses a "Selector" tool to drag and select track material. Then from a "Grabber pop-up" the user chooses the "Separation Grabber" tool. As shown in Figure 3 on page 23 of *Pro Tools*, the Separation Grabber tool is part of the "Edit Tools" toolbar within the *Pro Tools* edit window. The Edit Tools toolbar of *Pro Tools* is clearly a tool selection component because the Edit Tools toolbar is the component of the edit window used to select one of a plurality of tools such as the "Selector" tool or the "Grabber" tool. (see page 24). After the user chooses the Grabber, the user may then drag the selection to a new location (e.g., to another track). (see page 215). Thus, the *Pro Tool's* approach for dragging a selection requires the user to select the Grabber tool from a tool selection component.

In contrast, Claim 1 features performing an operation "without obtaining input to a tool selection component between obtaining said first input and obtaining said second input". In *Pro Tools* on the other hand, input to a tool selection component **is obtained** between obtaining input that selects track material and input that drags the selection to a new location. (see page 215). Thus, Applicants respectfully submit that *Pro Tools* does not teach or suggest the following features of Claim 1:

- obtaining second input, wherein the second input involves dragging said area to a region within the graphical user interface;
- in response to obtaining said second input, performing an operation involving just the portion of the audio file that corresponds to the area, wherein the operation is

performed without obtaining input to a tool selection component between obtaining said first input and obtaining said second input;

Another Key Distinction Between Claim 1 and *Pro Tools*

Pro Tools also does not teach or suggest the following features of Claim 1:

obtaining first input to said timeline component where said first input identifies a first time point and a second time point of said set of time points, and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the second time point, wherein said first input includes selection of the first time point and dragging from the first time point to the second time point;

in response to obtaining said first input, generating an initial selection overlay comprising an area of said timeline component and said waveform component, wherein said area starts at said first time point and ends at said second time point;

The Office Action contends that the approach of Claim 1 for obtaining the first input and in response, generating the featured "initial selection overlay" is described on pages 209-210 and 215 of *Pro Tools*. (see Office Action, pages 2-3). The Office Action is incorrect.

As a preliminary matter, it should be noted that an initial selection overlay **comprising an area of the timeline component and the waveform component** cannot be generated in *Pro Tools* by input to the **timeline component**. Page 200 of *Pro Tools* describes instructions for selecting track material. Specifically, step 1 under the section titled "To select a portion of a region" states "[w]ith the Selector, drag **within the region** (left or right) to select the material" (emphasis added). The "region" to which the passage refers is the region that depicts the audio track, **not the timeline**. Thus, *Pro Tools* describes generating a selection overlay by selecting a first point **within the track region** and dragging to a second point **within the track region**. In

contrast, Claim 1 expressly specifies that the selection of the first point and the second point must be **within the timeline component**.

Pro Tools clearly distinguishes between selections within the track region and selections within the timeline. Selections within the timeline as described on page 209 of *Pro Tools* do not generate an initial selection overlay comprising an area of the timeline **and an area of the region**. Such selections comprise only an area of the timeline component. (see Figure "Making a Timeline selection with the Selector" on page 209).

While dragging within the timeline of *Pro Tools*, when linked with edit selections, can be used to move one of the boundaries of an existing selection overlay, dragging within the *Pro Tools*' timeline cannot be used to generate a selection overlay that **starts at** the first selected time point **and ends at** the second selected time point. Claim 1 expressly requires that the generated selection overlay "start at said first time point" and "end at said second time point" where the first time point and the second time point are selected by dragging, "within the timeline component," from "the first time point to the second time point." This express requirement of Claim 1 is not shown in *Pro Tools*. *Pro Tools* shows "dragging a playback marker" on page 210. However, while the dragging action shown on page 210 can be used to set the start of a selection overlay or the end of the overlay, the action **cannot be used to set both the start and end of the overlay**. Therefore, setting a timeline selection by dragging a playback marker as described on p. 209 and 210 of *Pro Tools* does not anticipate Claim 1.

Further, the fact that edit selections and timeline selections may be linked does not mean that *Pro Tools* anticipates Claim 1. An "edit selection" is the type of selection described on page 200 of *Pro Tools* (i.e., the type of selection described above made by dragging the selector within the track region, not the timeline). *Pro Tools* describes that when edit selections and timeline selections are "linked" that the action of dragging the selector **within the track region**

is mirrored in the timeline. However, Claim 1 expressly requires that the featured selection overlay be generated by dragging **within the timeline**. Further, as explained above, an initial selection overlay comprising an area of the timeline and an area of the region cannot be generated by dragging within the timeline. This is so even when edit selections and timeline selections are linked

Page 215 of *Pro Tools* describes how to separate a selection without affecting the original region. To separate a selection, first a selection is made in the original region. Specifically, step 1 states "[w]the Selector, drag to select them material for the new region or regions." Selecting track material is described on page 200 of *Pro Tools*. As discussed above, page 200 of *Pro Tools* describes selecting track material by dragging the selector **within the track region**, not the timeline. Thus, selecting material to separate from the original region is also accomplished by dragging the selector within the track region, not the timeline. Since an initial selection of track material in *Pro Tools* is not accomplished by dragging within the timeline, the description on page 215 of *Pro Tools* does not anticipate Claim 1.

Summary

Based on the foregoing, Applicants respectfully submit that *Pro Tools* does not teach or suggest each and every feature of Claim 1. Therefore, Claim 1 is patentable over *Pro Tools*. Claim 39 recites features similar to those of Claim 1 and is allowable over *Pro Tools* for the same reasons.

CLAIMS 5, 43

Claim 5, by virtue of its dependency on Claim 1, recites the features of Claim 1 discussed above. Therefore, Claim 5 is patentable over *Pro Tools* for at least the reasons given above with

respect to Claim 1. Additionally, Claim 5 recites additional features that independently render it patentable over *Pro Tools*.

Claim 5 recites "generating a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component." The Office Action contends that this feature is satisfied by the figure on page 215 of *Pro Tools* labeled "Dragging to another track with Separation Grabber". However, as discussed above, the two arrows shown in the figure that indicate the start and end of the highlighted waveform were not set by dragging the selector of *Pro Tools* **within the timeline** from the time point at the down arrow **to** the time point at the up arrow. Rather, they were set by either dragging the selector within the track region (p. 200) or by dragging a playback marker (p. 209-210). As discussed above, neither of these two dragging actions described in *Pro Tools* are used to generate the selection overlay as it is generated in Claim 1. Therefore, Claim 5 recites additional limitations that independently render it patentable over *Pro Tools*.

Claim 43 contains features similar to Claim 5 and therefore also recites additional limitations that independently render it patentable over *Pro Tools*.

REMAINING CLAIMS

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each dependant claim includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional features that independently

render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not included at this time.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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